

PATENT

Atty Docket No.: 100110474-2

App. Scr. No.: 09/995,318

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Claims 1 and 20-26 are pending in the present application of which claim 1 is independent. Claim 1 has been amended and claims 20-26 have been added. Claims 2-19 have been cancelled without prejudice or disclaimer of the subject matter contained therein. No new matter is believed to have been added.

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,335,169 to Chong ("Chong") in view of U.S. Patent No. 6,298,333 to Manzi et al. ("Manzi et al.").

The aforementioned rejection is respectfully traversed for at least the following reasons.

Telephonic Interview on November 28, 2005

The undersigned thanks the Examiner for the telephonic interview the Examiner held on November 28, 2005, with Tiep Nguyen, Reg. No. 44,465. In the telephonic interview, the Examiner provided no explanation regarding: a) how independent claims 1-3 can be generic claims for the eleven (11) alleged patentably distinct species for pending claims 1-18, especially when claims 4-18 are also independent claims; and b) how one or more of the asserted distinct species can include claims that are included in two or more groups of invention that were subjected to a restriction requirement. However, the Examiner indicated that claims 1-4 may be amended with one or more limitations from any of the non-elected claims 4-18 without further being subjected to a restriction based on original presentation of

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claims 1-3. Therefore, in the interest of expediting the prosecution of this application, original claims 1-3 have been amended with one or more limitations from one or more of original claims 4-18, which the Examiner has not examined.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chong in view of Manzi et al. This rejection is respectfully traversed.

Claim 1 has been amended to include one or more features recited in original claim 16 (subsequently renumbered as claim 17), which was not examined. Therefore, the rejection of claim 1 is moot in view of the amendment. New claims 20-23 include one or more features recited in original claim 17 (subsequently renumbered as claim 18), which was not examined. New claims 24-26 include one or more features recited in original claim 4, which was not examined.

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It is respectfully submitted that neither Chong nor Manzi et al. teaches nor suggests those features that are now recited in claims 1 and 20-26. For example, claim 1 recites first, second, and third servers for hosting first, second, and third virtual portals to perform various functions as claimed, an infrastructure service module as claimed, and a network service module that includes a sales and use tax computation module, which further includes multiple databases and another server as claimed. In contrast, Chong and Manzi et al. each merely shows the use of a single computer or server for tracking multiple tax rate assessments and tax optimization without any further description of the various modules as claimed.

Likewise, claims 20-26 recite additional components and operations of the claimed program controlled system which are neither taught nor suggested by Chong, Manzi et al., and other references of record.

Accordingly, it is respectfully submitted that claims 1 and 20-26 are allowable over the references of record, and withdrawal of the rejection of claim 1 is respectfully requested.

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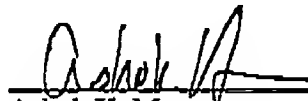
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: December 6, 2005

By



Ashok K. Mannava
Registration No. 45,301

MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3822
(703) 880-5270 (facsimile)